

[*Sullivan v. Afftrex, Ltd.*](#), 91-ERA-15 (Sec'y Oct. 30, 1991)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: October 30, 1991
CASE NO. 91-ERA-15

IN THE MATTER OF

JAMES R. SULLIVAN,
COMPLAINANT,

v.

AFFTREX, LTD.,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER OF DISMISSAL

This case is before me pursuant to the Recommended Decision and order of Dismissal issued by the Administrative Law Judge (ALJ) on May 7, 1991, pursuant to the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988). The ALJ recommended that the case be dismissed for the lack of subject matter jurisdiction. On August 30, 1991, I issued an Order to Show Cause directing the parties to show cause within ten days of receipt of said order why this case should not be dismissed for lack of subject matter jurisdiction under *Adams v. Dole*, 927 F.2d 771 (4th Cir. 1991), *cert. denied*, 60 U.S.L.W. 3260 (U.S. Oct. 7, 1991) (No. 90-8210). My August 30 order stated that if the parties failed to show cause, an order would be issued dismissing the case for lack of subject matter jurisdiction.

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Wherefore, the time for responding to the August 30 Order to Show Cause having expired and the parties having failed to respond, this case is DISMISSED for lack of subject matter jurisdiction. *Adams v. Martin*, 927 F.2d at 771.

SO ORDERED.

LYNN MARTIN
Secretary of Labor

Washington, D.C.